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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/063,498	04/30/2002	Farid Ahmed-Zaid	199-1941 JMS	4307

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EXAMINER

HERNANDEZ, OLGA

ART UNIT PAPER NUMBER

2144

DATE MAILED: 02/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/063,498

Applicant(s)

AHMED-ZAID ET AL.

Examiner

Olga Hernandez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 13-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 13-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 4/30/02 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 10/19/04 have been fully considered but they are not persuasive. Applicant argues that the future path is a non-planned future path. So, how can a method and/or system detect something that is in the "future" and it has not happened yet? The disclosure does not enable one skilled in the art to make and use the invention as claimed without undue experimentation. Regarding the in-vehicle controller argument, the applicant admitted prior art in page 5, paragraph [0027], where the applicant accepts that "other detection methods known in the art" can be used and/or implemented. In which, Kageyama's invention is known in the art. In response to the nonanalogous arguments, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992).

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. How can a method and/or system **detect** something that is in the "future" and it has not happened yet? Considering the amended claims and applicant's arguments as evidence of a non-planned future path.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 7-11, and ~~16~~-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kageynma et al (6,246,932) in view of Sielagoski et al (6,212,465).

As per claims 1, 11, 16 and 19, Kageyama teaches:

- detecting an object and generating an object profile (column 9, lines 5-14);
- detecting a future path of the vehicle (column 11, lines 1-17);
- generating a predicted future path profile in response to the future path and the object profile (column 11, lines 26-30); and

- inhibiting the speed of the vehicle in response to the predicted future path profile (column 15, lines 45-59).

Kageynma does not teach generating a yaw rate signal and preventing acceleration (inhibiting the resume speed) of the vehicle in response to the yaw rate signal. However, Sielagoski teaches it in column 1, lines 42-60. Therefore, it would have been obvious to one skill in the art to combine the aforementioned inventions in order to control vehicle speed on a curved path.

As per claim 2, Kageyama teaches how to update the predicted future path profile (abstract).

As per claim 3, Kageynma teaches the future path profile includes parameters selected from the following: object profile, yaw rate, street category, and upcoming future road paths (abstract).

As per claims 4 and 8, Kageyama teaches the same claimed by the applicant (column %.

As per claim 7, Kageyama teaches how to generate a navigational signal from the following group: vehicle position, speed category, future path, landmark location, road type and others (abstract).

As per claims 9 and 17, Kageyama teaches determining the object location with respect to the future path of the vehicle (abstract).

As per claim 18, it would have been obvious that a vehicle can be a stopped object. Therefore, it is understood that the prior art teaches the same claimed by the applicant based on the vehicle that is traveling and/or using the same system.

As per claims 5 and 10, Kageyama does not teach what is claimed by the applicant. However, the prior art works with the tire turning and the steering wheel of the vehicle that are equivalent to work with the road curvature (columns 10 and 11).

Claims 13, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sielagoski et al (6,212,465) in view of Kageynma et al (6,246,932).

As per claim 13, Sielagoski et al does not teach what is claimed by the applicant. However, Kageyama teaches: a future path of the vehicle in response to a navigational signal (abstract).

As per claim 14, it would have been obvious that a vehicle can be a stopped object. Therefore, it is understood that the prior art teaches the same claimed by the applicant based on the vehicle that is traveling and/or using the same system.

As per claims 15, Sielagoski et al does not teach detecting an object and generating an object profile; detecting a future path of the vehicle', generating a predicted future path profile in response to the future path and the object profile; and inhibiting the speed of the vehicle in response to the predicted future path profile.

However, Kageyama teaches:

detecting an object and generating an object profile (column 9, lines 5-14);

detecting a future path of the vehicle (column 11, lines 1 1-17);

generating a predicted future path profile in response to the future path and the object profile (column 11, lines 26-30); and

inhibiting the speed of the vehicle in response to the predicted future path

profile (column 15, lines 45-5%.

Therefore, it would have been obvious to one of ordinary skill in the art to combine the aforementioned inventions in order to avoid possible accidents.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kageyama et al (6,246,932) in view of Sielagoski et al (6,212,465).

Kageyama does not teach what is claimed by the applicant. However, Sielagoski teaches generating a yaw rate signal and preventing acceleration (inhibiting the resume speed) of the vehicle in response to the yaw rate signal (column 1, lines 42-60).

Therefore, it would have been obvious to one skill in the art to combine the aforementioned inventions in order to control vehicle speed on a curved path.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any


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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

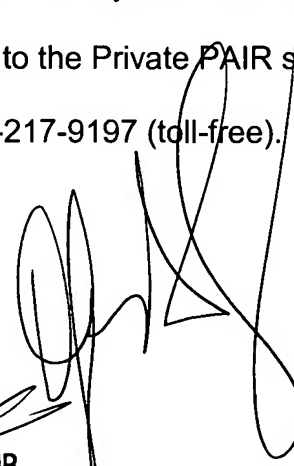
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olga Hernandez whose telephone number is 571-272-7144. The examiner can normally be reached on Mon-Thu 7:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski can be reached on 571-272-3925. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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